

**RUMSON ZONING BOARD OF ADJUSTMENT  
AUGUST 18, 2015  
MINUTES**

Chairman Brodsky called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Brodsky, Torcivia, Duddy, Blum, Seaman, Lizotte, Thompson, Wood. Also present: Bernard Reilly (Board Attorney), Fred Andre, Zoning Officer), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

**Edward & Kaye Wise, 54 East River Road**

Ed Wise was sworn in and explained that they have an issue with the accessory structure that was approved by the Board in March, 2014. They would like to amend the location of the garage. They realized that the original location of the garage would block the front of the house, and they felt it would not present a very nice entrance to the home. They are requesting to move the garage to the side, closer to the side property (5' setback proposed), to clear the view to the house from the driveway. There are other accessory structures on the neighbors' properties that are also closer to the property line. The design will remain the same as originally approved and will be the same size. The orientation will be the same, but just be closer to the side set back.

Steve Gassert, architect, was sworn in and explained their reason for the location of the one-car garage bay, noting they wanted to have all the doors facing the same way and also to accommodate the wishes of a neighbor to the east. He pointed out that this location is still better than the original garage, which was 2' off the property line. Their original proposal placed the garage 20' from the property line. He noted the narrowness of the site, which was one of their issues. They are not changing any of the coverages with this amended plan. This proposed structure is approximately 150' to the house next door. The neighbors have a boat house on their side of this property line at the same location, approximately 6' from the property line.

There were no questions or comments from the public.

Mrs. Seaman understands the problem with the original placement, and the structure on the west will be far away. There are no objections from the neighbors, and it is an attractive structure.

The Board acknowledged the narrowness of the property, which is also very deep.

Mr. Torcivia has observed the property and said it is not right on top of the neighbor's home, and there is a boat house in the same area on this side of the neighbor's lot.

Mr. Thompson moved to approve the amended plan, and Mrs. Seaman seconded.

Roll Call Vote: Ayes – Brodsky, Lizotte, Seaman, Thompson, Blum, Torcivia, Wood, Duddy.

Nays – None

Motion carried.

**Yellow Brook Property Company, LLC, 5 Nicol Terrace**

Robert Curley, attorney, appeared on behalf of the applicant. They are proposing to demolish the existing home and construct a new, single-family residence. The lot is .895 acre in size where

one acre is required. The interior lot shape is also nonconforming (100' required / 98.8' existing).

Nicol Terrace is also a private road, with no frontage on an improved street, also requiring a variance. The plan creates no new nonconformities.

Brian Decina, architect, was sworn in at this time, and the Board accepted his qualifications. He showed the Board a colored rendering of the plot plan, which demonstrates their plan for a single-family home. The road is 20' wide, with six existing residential properties in the R-2 Zone. He also confirmed the nonconformities existing on the lot. He noted the two other lots on this road with nonconformities as to the size of the lots. He pointed out nearby R-1 and R-4 zones. All properties along this area are currently developed. All existing structures on the lot will be demolished, and a rendering of the proposed home was shown to the board, along with descriptions of driveway, patio, etc. The maximum floor area is 5,946n sq. ft., and the lot coverage is 3,747 sq. ft. Their plan is under that allowed by the ordinance.

The trees on the property were described by Mr. Decina. It is their intent to keep all the trees, except for one in the driveway area. They will not be changing the grading enough to affect the root system of the trees. They will talk with the Borough Forester and take precautions so as to not damage the trees during construction. The maintenance of the road was addressed, and Mr. Decina said any damage caused due to construction would be repaired by the developer, and this could be a condition of any approval.

Don McNeal, 3 Nicol Terrace, was sworn and informed the Board that the maintenance of the road is done by the town for any pot holes, snow plowing, etc. However if any major repaving needs to occur, it would be the neighbors' responsibility. Mr. Reilly said that the Board would also include this type of condition with the application.

Chairman Brodsky asked if they could move the house back any, since it is a very large structure. Mr. Decina said they were trying to center it on the property to provide adequate back and side areas.

Roger Mumford, builder, was sworn in and explained that the property is very beautiful. He pointed out the trees in the rear, and he felt their design maintains the beautiful lawn area that has been established over the years. They will make every effort to protect the major trees in the front and their root systems.

Chairman Brodsky again noted that the house will be brought a little closer to the large Beech tree, and Mr. Mumford said they would be staying outside the root structure with their plan.

Mrs. Seaman said it appears they are trying to keep the tree as safe as possible and still maximize the beauty of the property.

Mr. McNeal again spoke from the public to ask if the lot coverage included the paved area of the road, and Mr. Decina said his figures did include this area. Mr. McNeal also commented on the existing Beech tree and expressed his concern that this tree could be affected by the construction. He thinks the house is big for the property, and he wants to see that the beauty of the area is maintained. He also questioned the drainage, since his property is lower than the lot. Mr.

Decina again said they would not be changing the grading that much, and he further explained their grading plan, which is required by the town.

Mr. McNeal stated that there are no current water issues, and it is a very large side yard, but he also is concerned about issues that might appear during construction. Mr. Mumford said they are required to install silt fencing around their construction site to minimize any sediment going into their yard.

Mr. Blum asked about the proposed dwelling, which is 21" higher than the existing dwelling. He asked about the plan to raise the house from what exists today. Mr. Mumford explained that their plan has a minimal amount of steps, and the existing house is low in terms of finished floor and existing ground. Mr. Decina established the water table, which determined their plans. Mr. Blum said that the grading indicates that they will be introducing a swale in the front yard, which cuts into the canopy of the tree. Mr. Mumford said they would not be constructing a swale, and they will revise this grading on the plan.

There were no other questions or comments from the public.

Chairman Brodsky agrees that the tree will somewhat hide the house, and he would still like to see it moved back somewhat, although it is at the end of a cul-de-sac. Mr. Mumford said he feels their plan looks best for the property, and he does not see any benefit in moving the house back; however, when they stake it out and he feels it could be better moved back 5', he would do this. Mr. McNeal thinks it would be better for the tree to move it back, although he agrees that, from the road, this would not make a difference. Mr. Mumford noted that this house is relatively modest compared to many houses going up in Rumson, and he thinks the house is in scale with the size of the lot. He does not want to damage the tree, and he wants to make certain that it is not damaged, as it is of great value to them.

Mr. Reilly said they could put a condition in the approval that any final approval would be subject to the opinion of the arborist. Mr. Mumford said he would be willing to move it back 5', if necessary. Mr. Thompson agrees with Chairman Brodsky, as does Mr. Duddy.

Mr. Mumford would be willing to agree to move the house back 5' to accommodate the Beech tree. This will be a condition of the resolution. Mr. Reilly will include this in the resolution and if they feel it is a problem during the upcoming month, they could come back before the Board before the resolution is approved. They will revise the plans to show the removal of the swale and the relocation of the house, which is to be moved back 5'.

Mr. Blum is in favor of moving the house back 5', but if it is moved any more than that, it will affect the grade, and Mr. Mumford agreed. He thinks 5' should be ok, but no more. Also, the application would be subject to the review of the Borough Engineer.

Mr. Reilly reviewed the conditions of the resolution:

- Moving the house back 5';
- Submission of revised plans before the Board adopts the resolution;
- Removal of the swale;
- Tree protection;

- Repair any construction damage to road.

Mr. Thompson moved to approve the application, and Mr. Lizotte seconded.

Roll Call Vote: Ayes – Brodsky, Lizotte, Seaman, Thompson, Blum, Torcivia, Wood, Duddy.  
Nays – None

Motion carried.

### **Resolutions**

1. **Steven & Erin Kirchner, 4 Lakeside Ave.** – Approval to add a deck off the rear of the house;
2. **Thomas & Tara Harmon, 87 South Ward Ave.** – Approval to elevate their house and move garage under the home.

Mr. Duddy moved to adopt the resolutions, and Mrs. Seaman seconded.

Roll Call Vote: Ayes (Eligible) – Brodsky, Blum, Torcivia, Duddy, Seaman  
Nays – None

Motion carried.

3. **Rumson Country Day School, 35 Bellevue Ave.** – After discussion, the Board agreed that the resolution could be approved, with the stipulation that the Board Engineer specifically find that the site distance meets appropriate standards and is acceptable to the county.

Mr. Torcivia moved to adopt the resolution, and Mrs. Seaman seconded.

Roll Call Vote: Ayes (Eligible) – Brodsky, Blum, Torcivia, Duddy, Seaman  
Nays – None

Motion carried.

### **Approval of Minutes**

Motion was made and seconded to approve the July minutes, with corrections. Voice Vote: Ayes, unanimous.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 8:45 p.m.

The next meeting will be **September 15, 2015.**

Respectfully submitted,

Patricia Murphy  
Clerk